

she was provided with several opportunities to do so. (Docs. 16, 20). Crum's failure to point out any disputed facts is deemed an admission that no material facts are in dispute. See, e.g., Patton v. City of Hapeville, Ga., 162 Fed. Appx. 895, 896 (11th Cir. 2006); S.D.ALA.L.R. 7.2(b).

Additionally, the Court has considered the merits of HMS' motion¹ and is satisfied that HMS has demonstrated the absence of a genuine issue of material fact. Crum filed this case pursuant to Title VII of the *Civil Rights Act of 1964* and 42 U.S.C. § 1981, alleging that her employer, HMS, terminated her employment based on her race and/or in the alternative, terminated her in retaliation for complaining of racial discrimination. (Doc. 1). HMS has filed a motion for summary judgment wherein it presents substantial proof that Crum was terminated for inadequate performance of her job duties. Crum has failed to respond to HMS' motion and thus has failed to put forth any evidence that HMS' reason for terminating Crum is a pretext for racial discrimination or retaliation.

III. Conclusion

Accordingly, having considered the merits of HMS' motion and for those reasons more fully stated in its supporting brief, it is **ORDERED** that HMS' Motion for Summary Judgment (Docs. 13-15) is **GRANTED** and that this case is **DISMISSED WITH PREJUDICE**.

A Final Judgment consistent with the terms of this Order shall be entered by separate document as required by Rule 58 of the Federal Rules of Civil Procedure.

DONE and ORDERED this 16th day of **January 2013**.

/s/ Kristi K. DuBose
KRISTI K. DUBOSE
UNITED STATES DISTRICT JUDGE

¹ United States v. One Piece of Property, 5800 S.W. 4th Ave., Miami, Fla., 363 F.3d 1099 (11th Cir. 2004).